

REMARKS

This responds to the Office Action dated August 20, 2008.

No claims are amended, canceled, or added; as a result, claims 1-24 and 26-38 are now pending in this application.

§102 Rejection of the Claims

Claims 1-2, 4, 9, 24, 26-28 and 34 were rejected under 35 U.S.C. § 102(b) for anticipation by Langberg (U.S. Patent No. 5,246,438). Applicant respectfully traverses these rejections for at least the following reasons. Applicant cannot find in the cited reference, for example, at least one conductive sleeve disposed within the insulating layer, the at least one conductive sleeve surrounds the conductor and extends continuously along the conductor from the proximal end to at least the intermediate portion, wherein the at least one conductive sleeve is electrically isolated from all sensing and therapy electrodes and all sensing and therapy conductors including the electrode and the conductor, the at least one conductive sleeve has a first impedance value in a first condition, and the at least one conductive sleeve is adapted for electrical isolation from a lead body exterior environment in the first condition, as recited in claim 1. Claims 2, 4, 9 and 34 depend from claim 1, and thereby include all of its recitations.

Further, Applicant cannot find in the cited reference, at least one conductive sleeve interposed between the lead body exterior and the conductor, the at least one conductive sleeve at least partially surrounds the conductor, the at least one conductive sleeve continuously extends along the conductor from the proximal end to at least the intermediate portion, wherein the at least one conductive sleeve is electrically isolated from all sensing and therapy electrodes and conductors including the electrode and the conductor, the at least one conductive sleeve has a first impedance value in a first condition, and the at least one conductive sleeve is electrically isolated from a lead body exterior environment in the first condition, as recited in claim 24.

Claims 26-28 depend from claim 24 and thereby include all of its recitations.

Applicant respectfully traverses the Office Action statement at page 2, paragraph 3, “Langberg further discloses a shielding braid (Fig. 3, 45) that is metal and therefore conductive that is electrically isolated from the conductor by way of dielectric material which is further covered by an insulating sleeve (Fig. 3, 57).” Applicant traverses this statement in so far as it

appears to misinterpret Langberg. Langberg states at column 8, lines 1-4, “A distal monitoring electrode 56 is connected to a distal end terminal 58 of helix 50 and to bypass capacitor 55. Bypass capacitor 55 is connected to shield 45 through metallized coating 52 inside of core 51.” See also Figure 3. Applicant respectfully submits Langberg recites coupling of the shield 45 to the distal monitoring electrode 56. Langberg thereby fails to show at least electrical isolation of a conductive sleeve from all sensing and therapy electrodes and conductors, as recited in claims 1 and 24. Further, because the shield 45 is coupled to the distal monitoring electrode 56 and the electrode 56 is exposed to the exterior environment of the ablation catheter, Langberg fails to show at least electrical isolation of a conductive sleeve from a lead body exterior environment, as recited in claims 1 and 24. Because Langberg fails to show each and every element of the claims Applicant respectfully requests withdrawal of the anticipation rejections of claims 1-2, 4, 9, 24, 26-28 and 34.

Reconsideration and allowance of claims 1-2, 4, 9, 24, 26-28 and 34 are respectfully requested.

§103 Rejection of the Claims

Claims 3, 5-8, 10, 29-33, 35 and 37-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Langberg (U.S. Patent No. 5,246,438) as applied above. Applicant respectfully traverses the rejections for at least the following reason. Claims 3, 5-8, 10 and 35 depend from claim 1 and thereby include all of the recitations of claim 1. Similarly, claims 29-33 and 37-38 depend from claim 24 and thereby include all of the recitations of claim 24. As described above, the cited reference fails to show at least electrical isolation of a conductive sleeve from all sensing and therapy electrodes and conductors, as recited in claims 1 and 24. Further, Langberg fails to show at least electrical isolation of a conductive sleeve from a lead body exterior environment, as recited in claims 1 and 24. Because claims 1 and 24 are allowable for at least the reasons provided above, Applicant respectfully submits claims 3, 5-8, 10, 29-33, 35 and 37-38 are allowable at least as dependent claims of claims 1 and 24, respectively.

Reconsideration and allowance of claims 5-8, 10, 29-33, 35 and 37-38 are respectfully requested.

Allowable Subject Matter

Claims 11-13 and 36 were allowed. Applicant graciously acknowledges the allowance of claims 11-13 and 36.

RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/698,843

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Title: IMPLANTABLE LEADS PERMITTING FUNCTIONAL STATUS MONITORING

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20 day of October 2008.

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